

Office of the Secretary



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UNITED STATES INTERNATIONAL TRADE COMMISSION

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Washington, D.C. 20436

October 31, 2019

Mr. Taylor Amarel  
MuckRock News  
DEPT MR 55567  
411A Highland Avenue  
Somerville, MA 02144-2516

Re: USITC Freedom of Information Act Request 19-30

Dear Mr. Amarel:

This letter serves as the U.S. International Trade Commission's ("USITC") final response to your request for information under the Freedom of Information Act ("FOIA"), dated and received September 18, 2019, in which you requested "All emails sent to, from, or copied to: Jason Kearns, from January 1, 2016 to Present Day containing any of the following non-case-sensitive key-string "laundering", "whistleblower", or "evasion"."

We have found a document responsive to your request and it is enclosed. We made redactions to the document pursuant to Exemption 6 of the FOIA, 5 U.S.C. § 552(b)(6). Exemption 6 protects from disclosure information about individuals when the disclosure of such information "would constitute a clearly unwarranted invasion of personal privacy." Finally, I have determined that eight pages should be withheld-in-full pursuant to Exemption 5 of the FOIA, 5 U.S.C. § 552(b)(5). Exemption 5 pertains to information that is subject to privilege.

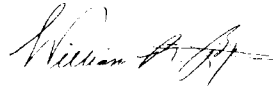
Therefore, your FOIA request is granted-in-part.

If you are not satisfied with the response to your request, you may file an administrative appeal. If you decide to do so, your appeal must be received within 90 days of the date of this letter. It should be addressed to the Chairman, United States International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, and clearly indicate both on the envelope and in the letter that it is a "Freedom of Information Act Appeal." It should clearly state the grounds upon which you believe this denial of access to be in error. For further information on appeal procedures, see 19 CFR 201.18, attached.

The Office of Government Information Services (OGIS) offers mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. You may contact OGIS in any of the following ways: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, MD 20740; E-mail: [ogis@nara.gov](mailto:ogis@nara.gov) Telephone: 202-741-5770; Fax: 202-741-5769; Toll-free: 1-877-684-6448.

If you have any questions, relating to the processing of your request, please feel free to contact our FOIA Public Liaison, Sharon Bellamy at 202-205-2595 or [sharon.bellamy@usitc.gov](mailto:sharon.bellamy@usitc.gov).

Sincerely,

A handwritten signature in dark ink, appearing to read "William R. Bishop", with a stylized flourish at the end.

William R. Bishop  
Supervisory Hearings and Information Officer

Enclosures  
Attachment 19 CFR 201.18

**From:** [Bianchi, Dominic](#)  
**To:** [ALL ITC](#)  
**Subject:** Notification on Prohibited Personnel Practices and Whistleblower Protections  
**Date:** Wednesday, May 29, 2019 9:31:13 PM

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The purpose of this communication is to ensure that all Commission employees are aware of and understand the prohibited personnel practices and whistleblower protections available to federal employees.

Please review the following fact sheet, "[Your Rights as a Federal Employee](#)," which provides detailed information on the 13 prohibited personnel practices (PPPs). This fact sheet also appries employees of their rights to file corresponding complaints with the U.S. Office of Special Counsel (OSC), an independent agency that protects federal employees from PPPs, including whistleblower retaliation and unlawful hiring practices. OSC also provides an independent, secure channel for disclosing and resolving wrongdoing in federal agencies.

The Whistleblower Protection Act of 1989 and the Whistleblower Protection Enhancement Act of 2012 provide the right for all covered Federal employees to make whistleblower disclosures, and to seek protections from whistleblower retaliation. The Dr. Chris Kirkpatrick Whistleblower Protection Act of 2017 and OSC's Reauthorization Act of 2017 further enhanced and reinforced these rights and protections.

Whistleblowing means the lawful disclosure of information that an employee reasonably believes evidences one or more of the following: a violation of any law, rule or regulation; gross mismanagement; gross waste of funds; an abuse of authority; a substantial and specific danger to public health or safety; or censorship related to scientific research or analysis. Employees may make such disclosures to anyone, including management officials, the USITC Inspector General, OSC, and/or Congress.

Additionally, please review [Know Your Rights When Reporting Wrongs](#), which describes different avenues for making whistleblower disclosures as federal employees.

You also may find more information on PPPs and whistleblowing on the [OPAC website](#).

Dominic L. Bianchi  
General Counsel  
U.S. International Trade Commission

[1101 North 17th St](#)  
[Washington, DC 20540](#)





## **§201.18 Denial of requests, appeals from denial.**

(a) Written requests for inspection or copying of records shall be denied only by the Secretary or Acting Secretary, or, for records maintained by the Office of Inspector General, the Inspector General. A denial shall be in writing and shall provide information on the exemptions that justify withholding and the amount of information withheld. The denial also shall advise the person requesting of the right to appeal to the Commission.

(b) An appeal from a denial of a request must be received within ninety days of the date of the letter of denial and shall be made to the Commission and addressed to the Chairman, United States International Trade Commission, 500 E Street SW., Washington, DC 20436. Any such appeal shall be in writing, and shall indicate clearly in the appeal, and if the appeal is in paper form on the envelope, that it is a "Freedom of Information Act Appeal." An appeal may be made either in paper form, or electronically by contacting the Commission at <https://www.usitc.gov/foia.htm>.

(c) Except when expedited treatment is requested and granted, appeals will be decided in the order in which they are filed, but in any case within twenty days (excepting Saturdays, Sundays, and legal holidays) unless an extension, noticed in writing with the reasons therefor, has been provided to the person making the request. Notice of the decision on appeal and the reasons therefor will be made promptly after a decision. Requests for expedited treatment should conform with the requirements in §201.17(c) of this part.

(d) The extensions of time mentioned in paragraph (c) of this section shall be made only for one or more of the following reasons:

- (1) The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request;
- (2) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are requested in a single communication; or
- (3) The need for consultation, which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request or among two or more components of the agency having a substantial subject-matter interest therein.

(e) The extensions of time mentioned in paragraph (c) of this section shall not exceed ten working days in the aggregate.

(f) A response to an appeal will advise the requester that the Commission's FOIA Public Liaison officer and the Office of Government Information Services both offer mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. The requester may contact the Commission's FOIA Public Liaison officer by telephone (202-205-2595) or email ([foia.se.se@usitc.gov](mailto:foia.se.se@usitc.gov)) or the Office of Government Information Services at National Archives and Records Administration, 8601 Adelphi Road—OGIS, College Park, Maryland 20740-6001.

